

IN THE UNITED STATES COURT OF FEDERAL CLAIMS
Electronically filed July 12, 2016

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THE BLACKFEET TRIBE OF THE)	
BLACKFEET INDIAN RESERVATION,)	
)	
Plaintiffs,)	No. 12-429 L
v.)	
)	Honorable Thomas C. Wheeler
UNITED STATES OF AMERICA,)	
)	
Defendant.)	
)	

UNITED STATES' WITNESS LIST

Pursuant to Appendix A, ¶ 15, of the Rules of the Court of Federal Claims, the United States respectfully submits this list of witnesses that it will or may call in the trial scheduled to begin on August 16, 2016. The United States reserves the right to supplement this list prior to trial, as appropriate.

The United States also reserves the right to call any witness identified on Plaintiffs' Witness List, ECF No. 101.

Witness	Description	Will or May Call	Expected Time for Direct
Robert LaPlant	Mr. LaPlant was the Regional Fire Management Officer from 2011 to 2016, having previously served as the Regional Assistant Fire Management Officer and as a Regional Dispatcher during the Red Eagle Fire. Mr. LaPlant will testify about the Red Eagle Fire; about BIA practices and policies; about fire prevention and suppression efforts on BIA-managed land, including the Blackfeet Reservation; and about the condition of the area burned by the Red Eagle Fire, which he visits frequently.	Will Call	2 hours
Chet Gladstone	Mr. Gladstone was a BIA Blackfeet Agency Forester and was ultimately responsible for all timber projects, including fuels management, in the years before the Red Eagle Fire. He will testify about those projects and the strategy behind them, including tribal involvement in BIA's management of the forest. Mr. Gladstone will also testify about the effect of the limited resources available to the agency in its the management of the forest. Mr. Gladstone also personally observed the Red Eagle Fire and he will testify as to those observations. Finally, Mr. Gladstone will talk about his experience in managing the post-fire timber salvage sale.	Will Call	1.5 hours
Andrea Gilham	Ms. Gilham was employed by the BIA Blackfeet Agency from 1998 through July 2006 and will testify about fuels management projects in the Blackfeet tribal forest, the history of fuels management projects in tribal forests generally, tribal input and preferences affecting fuels management projects, and conditions within the Red Eagle Fire perimeter.	May Call	1.5 hours

Witness	Description	Will or May Call	Expected Time for Direct
Dave Soleim	Mr. Soleim is the Fire Management Officer for Glacier National Park. He will testify about the Red Eagle Fire, including efforts to suppress the fire; NPS practices and policies; and the condition of Glacier National Park and the Blackfeet Reservation.	Will Call	2 hours
Kevin Nelstead	Mr. Nelstead is a qualified Geographic Information System (“GIS”) expert employed by the BIA, where he is responsible for all forestry and fire GIS data for the Rocky Mountain Region, including the Blackfeet Reservation. He will testify as an expert about the Forest Cover Types prevalent in the area of the Red Eagle Fire, both before and after the fire. He will also provide expert testimony about the history of commercial logging, which he has developed using aerial and satellite imagery. Finally, he will introduce demonstrative exhibits for use by other expert witnesses.	Will Call	1 hour
Terry D. Droessler, PhD, CF	Mr. Droessler will testify as an expert about the volume of marketable timber in the Blackfeet tribal forest before and after the Red Eagle Fire, his observations of conditions within the Red Eagle fire perimeter, the data supporting his volume estimates, and his calculation methods. He will also address deficiencies in timber volume calculations prepared by Plaintiff’s expert Brian Long, including Mr. Long’s reliance on faulty or unsubstantiated data, unreliable methods, and imprecise inventorying methods and calculations.	Will Call	2 hours

Witness	Description	Will or May Call	Expected Time for Direct
Roy Montgomery	Mr. Montgomery is a retired BLM Wildland Fire Management Specialist with thirty-five years of fire management experience with multiple federal agencies. He will provide expert testimony about the Red Eagle Fire and the efforts to suppress it; about the adequacy of the BIA's and GNP's Fire Management Programs as relevant to the Red Eagle Fire; and about the adequacy of Mr. Schulte's proposed fuel break for safely and effectively deploying fire suppression forces.	Will Call	4 hours
Mark A. Finney, PhD	Dr. Finney is a Research Scientist employed by the U.S. Forest Service, where he is the head of the Fire Behavior Sciences team for the National Fire Decision Support Center at the Missoula Fire Sciences Laboratory. He was the primary developer of the FARSITE computer fire modeling program. He will provide expert testimony in rebuttal to the opinions of Mr. Darrell Schulte about fire behavior, forest ecology, and FARSITE modeling. Dr. Finney will testify that Mr. Schulte has made a wide range of serious methodological errors that render his opinions both irrelevant and unreliable. He will testify that these errors have caused Mr. Schulte to seriously overestimate the likely efficacy of his proposed fuel break, which, in Dr. Finney's opinion, would not have been effective against the Red Eagle Fire.	Will Call	3 hours
Daowei Zhang, PhD	Dr. Zhang will testify as an expert on the value of the timber lost on the Blackfeet Indian Reservation as a result of the 2006 Red Eagle Fire, with an offset for the timber income received from salvage timber sales after the Fire. Dr. Zhang will also testify that salvage sales occurred in a favorable timber market and the positive effect of auspicious market conditions on the stumpage price received by the tribe.	Will Call	1 hour

Witness	Description	Will or May Call	Expected Time for Direct
Robin Cantor, PhD	Dr. Cantor will offer rebuttal testimony to Dr. Duffield. She will opine that it is inappropriate to use HEA in the context of a catastrophic wildfire event such as the Red Eagle Fire. She will further testify that even if the finder of fact were to accept HEA as an estimation methodology, it has not been applied reliably by Dr. Duffield who failed to test his model for economic rationality, sound science, and consistency with the facts in this matter.	Will Call	2 hours
Gary Kronrad, PhD	Dr. Kronrad will offer rebuttal testimony to Dr. John Duffield and Dr. David Jackson. He will opine that the variables and costs used in Dr. Duffield's Habitat Equivalency Analysis (HEA) were inappropriate, and that Dr. Duffield's value of non-timber forest resources was unreliable, causing Dr. Duffield to grossly overestimate the losses associated with non-timber forest resources. Dr. Kronrad will also testify as to the lack the reliability of Dr. David Jackson's timber damage appraisal because he inflates timber losses due to overestimates in stumpage price, reforestation and precommercial thinning costs, and utilizes too low of a discount rate.	Will Call	4.5
Wendy H. Wente, PhD	Dr. Wente will testify that after Red Eagle Fire, she observed that the post-fire landscape supported a wide variety of wildlife species, suggesting the expected regeneration of the forest. She will also testify that there is a persistence of riparian corridors, wet meadows, and streams that provide relatively important habitat in the post-fire forest ecosystem. Finally, she will offer rebuttal testimony to Dr. Duffield, criticizing his assumptions about wildlife in his application of HEA.	Will Call	2

Respectfully submitted this 12th day of July, 2016,

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